

ESTATE OF STELLA VALANDRY
WILLIAMS

: Order Clarifying Status of Case and
: Accepting Settlement Agreement
:
: Docket No. IBIA 84-14
:
: May 3, 1985

The Board of Indian Appeals (Board) issued a decision in the above case on October 26, 1984. Estate of Stella Valandry Williams, 13 IBIA 35 (1984). On November 1, 1984, the Board received a letter from appellants John R. Williams, Rosemary Sayers, and Linda M. Westover, seeking reconsideration of that part of the Board's decision which upheld the Administrative Law Judge's order that certain property, specifically N 1/2 Sec. 33, T. 40 N., R. 34 W., 6th principal meridian, South Dakota, was not part of decedent Stella Valandry Williams' Indian trust estate, but rather was the separate property of appellee Ward J. Williams. The Board granted reconsideration, and ordered the Bureau of Indian Affairs (BIA) to examine its available records concerning the acquisition of this property before making distribution of decedent's estate. Estate of Stella Valandry Williams, on reconsideration, 13 IBIA 46 (1984).

On April 29, 1985, the Board received a letter from the Manager of the Land Titles and Records Office, Aberdeen Area Office, BIA. The letter forwarded to the Board a Stipulation and Agreement entered into between the parties to this case on April 1, 1985. Among other things, in section 1 of the agreement, appellants agree to "withdraw any appeals, actions, or proceedings that they have filed or have pending in connection with the Stella Valandry Williams Estate; and do consent and agree that the U.S. Department of the Interior, through its Bureaus, Agencies, or Offices, may forthwith take all necessary steps and accomplish all required handlings to completely finalize the Stella Valandry Williams Estate, so that title to the trust real estate hereinabove described may be vested in the said Ward J. Williams." In turn, appellee agrees in section 2 to pay each of the appellants the sum of \$17,333 for their interests in the estate trust property.

The settlement withdraws the petition for reconsideration that resulted in the Board's second decision in this case, and seeks resolution of this matter on the basis of the Board's earlier decision. BIA properly sought clarification of the status of this case when it was presented with an agreement that was contrary to the Board's second decision. The Board has reviewed the settlement agreement, which it has authority to consider under 43 CFR 4.207. In essence, the agreement represents a written record of the oral family agreement

that the Board upheld in its first decision in this case. All of the requirements established in section 4.207 for the acceptance of a settlement agreement have been met. 1/ The settlement agreement is, therefore, accepted.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the April 1, 1985, settlement agreement between the parties in this case is accepted. The Bureau of Indian Affairs is relieved of the requirements placed on it by the Board's November 21, 1984, order in this estate, and is instructed to distribute the estate of Stella Valandry Williams in accordance with the April 1, 1985, settlement agreement.

Anne Poindexter Lewis
Administrative Judge

We concur:

Jerry Muskrat
Administrative Judge

Bernard V. Parrette
Chief Administrative Judge

1/ These requirements are: "(1) All parties to the compromise are fully advised as to all material facts; (2) All parties to the compromise are fully cognizant of the effect of the compromise upon their rights; and (3) It is in the best interest of the parties to settle rather than to continue litigation."